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and Arizonans for Electric Choice and Competition

BEFORE THE ARIZONA CORPORATION COMMISSION

THE MATTER OF THE FILING BY TUCSON
ELECTRIC POWER COMPANY TO AMEND
DECISION NO. 62103.

Docket No. E-01933A-05-0650

IN THE MATTER OF THE APPLICATION OF
TUCSON ELECTRIC POWER COMPANY
FOR THE ESTABLISHMENT OF JUST AND
REASONABLE RATES AND CHARGES
DESIGNED TO REALIZE A REASONABLE
RATE OF RETURN ON THE FAIR VALUE OF
ITS OPERATIONS THROUGHOUT THE
STATE OF ARIZONA.

Docket No. E-01933A-07-0402

FREEPORT-MCMORAN COPPER
& GOLD INC., SUCCESSOR IN
INTEREST TO PHELPS DODGE
MINING COMPANY, AND
ARIZONANS FOR ELECTRIC
CHOICE AND COMPETITION'S
OBJECTION TO A PORTION OF
THE INTERRUPTIBLE TARIFFS
FILED BY TUCSON ELECTRIC
POWER COMPANY ON
OCTOBER 26, 2009, WITH ITS
NOTICE OF FILING

Freeport-McMoRan Copper & Gold Inc., the Successor in Interest to Phelps Dodge
Mining Company and Arizonans for Electric Choice and Competition (hereafter
collectively "AECC") files this Objection to a portion of Tucson Electric Power
Company's ("TEP") Interruptible Tariffs filed in connection with this matter for the
reasons set forth below.

AECC is a signatory to the TEP Settlement Agreement approved by the Arizona
Corporation Commission ("Commission") in Decision No. 70628. Section 18.1 of the
Settlement Agreement requires TEP, among other things, to file an Interruptible Tariff and

1 Demand Response Program Tariff after consulting with Staff and other interested
2 stakeholders. AECC and TEP had a number of written and verbal exchanges regarding
3 the design of an interruptible tariff prior to TEP's filing of its proposed Rider-5 ISCC
4 ("Rider") on October 26, 2009.

5 While AECC supports many of the elements in the structure of the proposed Rider,
6 there is at least one component of the proposed Rider that AECC opposes. Specifically,
7 AECC objects to TEP's proposed Shared Saving Factor, which AECC believes
8 unreasonably dilutes the value to customers of offering loads for interruption, and which,
9 if adopted, would seriously undermine the development of an interruptible program.

10 In light of AECC's Objection, AECC respectfully requests that the Commission set
11 this matter for hearing to allow AECC (and other interested parties) to address their
12 concerns regarding TEP's proposed Rider.

13 RESPECTFULLY SUBMITTED this 28th day of October 2009.

14 FENNEMORE CRAIG, P.C.

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28th day of October 2009 with:

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